

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IVAN SANTIAGO,

Plaintiff,

v.

WILLIAM J. FEENEY and
MARCUS EDDINGS,

Defendants.

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Civil No. 04-10746-JLT

ORDER

November 1, 2006

TAURO, J.

After a Pre-Trial Conference held on November 1, 2006, this court hereby orders that:

1. Defendant Feeney's Motion to Dismiss [#46] is DENIED WITHOUT PREJUDICE.
2. Defendants' Motion in Limine to Exclude Evidence of Non-testifying witnesses' observations and statements [#48] is ALLOWED without objection;
3. Defendants' Motion in Limine to Allow Defendants to Reference the Lawfulness of the Plaintiff's Strip Search in their Opening Statement, To Introduce Limited Background Evidence of the Strip Search and to Preclude Irrelevant and Unnecessary Plaintiff Witnesses [#49] is ALLOWED;
4. Defendants' Motion in Limine Requesting Jury Instruction Regarding The Lawfulness of the Plaintiff's Strip Search Prior to Opening Statements [#51] will be resolved after parties submit their proposed jury instructions;

5. Defendants' Motion in Limine to preclude the Plaintiff from referring to the alleged conduct of Defendant Eddings as "Rape" [#52] is ALLOWED;
6. Defendants' Motion in Limine to preclude references to or evidence of Judge Gertner's opinion of Officer Juan Seoane's creditability [#53] is ALLOWED;
7. Defendants' Motion in Limine To Exclude Irrelevant And Unfairly Prejudicial "Other Acts" Evidence [#54] is ALLOWED;
8. Parties will file proposed pre-trial jury instructions by Friday, November 3, 2006, at 4:00 p.m.;
9. By 4:00 p.m. on Friday, November 3, 2006, the Parties shall file a Joint Witness List containing the names of witnesses to be called, and the time needed for the direct and cross-examination of each witness;
10. The amount of time for cross-examination shall not exceed the amount of time designated for the direct examination of the witness;
11. The morning trial session will begin each day at 10:00 a.m. and end at 1:00 p.m., and the afternoon trial session will begin at 2:15 p.m. and end at 4:30 p.m., except on Wednesdays when the afternoon session will end at 3:30 p.m.;
12. All exhibits to be used at trial shall be pre-marked. Plaintiff shall use numbers, and Defendants shall use letters;
13. Defendants may depose Jacqueline Lugo before trial provided that Attorney Jessica Hedges assented to Defendants' deposition request;
14. Defendant Feeney will file a Motion for Summary Judgment by Thursday, November 2, 2006, at noon; and

15. Plaintiff will file a Response to Defendant's Motion for Summary Judgment by Friday, November 3, 2006, at 1:00 p.m..

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge